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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,589	06/29/2001	Julian Durand	004770.00581	5623
22907	7590	11/30/2006	EXAMINER TRUONG, LAN DAI T	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			ART UNIT 2152	PAPER NUMBER

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/893,589	DURAND ET AL.
	Examiner Lan-Dai Thi Truong	Art Unit 2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 September 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7, 9, 11-16 and 19-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7, 9, 11-16 and 19-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/22/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This action is response to communications: application, filed 06/29/2001; amendment filed 09/05/2006. Claims 1-7, 9, 11-16 and 19-22;
2. The applicant's arguments file on 09/05/2006 have fully considered. Applicant's arguments are persuasive. The previous rejection is withdrawn

### **Claims objections**

Claim 1 is objected due to the specification fails to support "always on device" as claimed. For examining purpose, Examiner assumes "always on device" means "wireless always on connection" as disclosed in the specification, page 6, lines 22-23

### **Claims rejections-35 USC § 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter such as "trusted lock" which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter such as "trusted time," "trusted third party" which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 6, 12-15 and 19-20 are rejected under 35 U.S.C 103(a) as being unpatentable over Khidekel et al. (U.S. 2001/0027527) in view of Coleman (U.S. 5,717,756)**

**Regarding to claim 1:**

Khidekel discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for communication data and protecting rights, comprising:

At least one user device which communicates wirelessly and is capable of performing a mutual authentication with a server for receiving data: Khidekel discloses method for secure wireless communications between users with a secure server by conducting mutual

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authentications between the users and an authentication server; Khidekel discloses the user can be authorized prior for allowing to perform transaction in connection with “a specified file or application” which is equivalent to “data” stored at the information server: (abstract; [0023]; [0005]-[0006]; [0008]; [0019])

A rights management engine in communication with said server for applying and enforcing user rights associated with said data: Khidekel discloses “the authentication server” which is equivalent to “a rights management engine:” ([0008]-[0009]; [0023]; [0027]-[0028]; [0005]-[0006]; abstract)

A storage device in communication with said server for recording a time stamped and digitally signed audit trail: Khidekel discloses “a database” which is equivalent to “an audit trail” for storing time-stamped records: (abstract; [0032])

A storage device in communication with said server for storing said data: Khidekel discloses the secure server contains information/ applications requested for accessing by the users: (abstract; [0032])

Wherein said server, and said rights management engine, said storage device for storing said data and said storage device for recoding a time stamped and digitally signed audit trail are separate from said at least one user device: Khidekel discloses interoperating communications between wireless users, secure server, authentication server and audit trail: ([0008]-[0009]; [0023]; [0027]-[0028]; [0041]; [0005]-[0006]; abstract)

However, Khidekel does not explicitly disclose trusted lock in a server

In analogous art, Coleman discloses “trusted machine” which is equivalent to “trust lock” used to generate session locks for validation in a predetermined time interval: (abstract)

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Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Coleman's ideas of using trust lock with Khidekel's system in order to provide conveniences for users such as the user may request service from the same machine multiple time by waiting no more than a predetermined time between request, see (Coleman: abstract, lines 10-16)

**Regarding to claims 2, 6, 12-15 and 19-20:**

Those claims are rejected under rationale of claim 1

**Claims 3 and 7 are rejected under 35 U.S.C 103(a) as being un-patentable over Khidekel -Coleman in view of Athey et al. (U.S. 2003/0208598)**

**Regarding to claims 3 and 7:**

Khidekel -Coleman discloses the invention substantially as disclosed in claims 1 and 6, but does not explicitly teach a storage device for holding data which is released under instructions from said server

However, Athey discloses method for storing received information via following instructions, see (abstract)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Athey's ideas of following instructions for storing data with Khidekel -Coleman's system in order to be able to managing larger data, see (Athey: abstract)

**Claims 21-22 are rejected under 35 U.S.C 103(a) as being un-patentable over Khidekel -Coleman in view of Heaven et al. (U.S. 2002/0188854)**

**Regarding to claim 21-22:**

Khidekel -Coleman discloses the invention substantially as disclosed in claim 1, but does not explicitly teach storing data in protected forms

In analogous art, Heaven discloses method for storing data in encrypted formats: ([0007]; [0003])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Heaven's ideas of storing data in protected forms with Khidekel -Coleman's system in order to provide high secure communication system

**Claim 11 is rejected under 35 U.S.C 103(a) as being un-patentable over Khidekel - Coleman in view of Merchen (U.S. 2003/0088771)**

**Regarding to claim 11:**

Khidekel -Coleman discloses the invention substantially as disclosed in claim 6, but does not explicitly teach recording authentication along with other information

In analogous art, Merchen discloses audit trail records digital certificate with date/time and timestamp: ([0073])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Merchen's ideas of using audit trail to records data with Khidekel -Coleman's system in order to provide a convenient communication system wherein the user can track records anytime, see (Merchen: [0073])

**Claims 4-5, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable  
Khidekel -Coleman in view of Laursen et al. (U.S. 6,065,120)**

**Regarding to claim 4:**

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Khidekel -Coleman discloses the invention substantially as disclosed in claim 1, but does not explicitly teach wherein said user device is a wireless communication terminal selected from the group of consisting of a mobile station, a WAP-capable cellular telephone, an extended markup language capable cellular telephone, or a cellular phone with a processor-based system connected to it

However, Laursen disclosed the network channel could be used to transmit data between a cellular phone and data server: (column 9, lines 33-54)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Laursen's ideas of using cellular phone with Khidekel - Coleman's system in order to provide a convenient and instant access to information being sought in the Internet, see (Laursen: [0073])

**Regarding to claims 5, 9 and 16:**

Khidekel -Coleman discloses the invention substantially as disclosed in claims 4, 6 and 15 wherein said wireless terminal is "an always-on device" is matched (column 9, lines 33-54)

Laursen disclosed user device such as cellular telephone what is an "always-on" device.

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Laursen's ideas of using always-on machine with Khidekel - Coleman's system in order to provide a convenient and instant access to information being sought in the Internet, see (Laursen: [0073])

The prior arts made of records and not relied upon are considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art

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with respect to "System for protecting copyrighted materials": 2002/0173857; 6065120;  
20060085821; 5828751; 6188766; 20020016725;

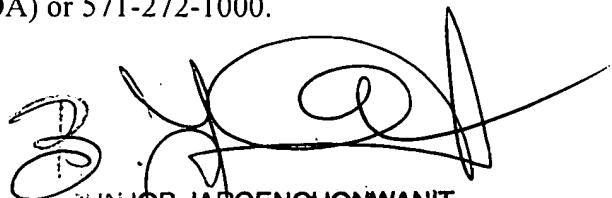
## Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/20/2006



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